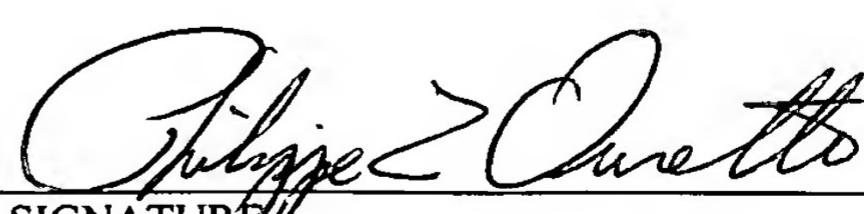


27 FEB 2006

U. S. PATENT AND TRADEMARK OFFICE U.S. DEPARTMENT OF COMMERCE		ATTORNEY'S DOCKET NUMBER 21461P
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <i>10/1569566</i>
INTERNATIONAL APPLICATION NO. PCT/US2004/027983	INTERNATIONAL FILING DATE 27 August 2004	PRIORITY DATE CLAIMED 02 September 2003
TITLE OF INVENTION NOVEL CRYSTALLINE FORMS OF A PHOSPHORIC ACID SALT OF A DIPEPTIDYL PEPTIDASE-IV INHIBITOR		
APPLICANT(S) FOR DO/EO/US Robert M. Wenslow, Joseph D. Armstrong, III, Alex M. Chen, Stephen Cypes, Russell R. Ferlita, Karl Hansen, Christopher M. Lindemann, Evangelia Spartalis		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none">1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.3. <input type="checkbox"/> This is an express request to begin national examination procedures [35 U.S.C. 371(f)]. The submission must include items (5), (6), (9) and (21) indicated below.4. <input checked="" type="checkbox"/> The US has been elected (PCT Article 31).5. <input checked="" type="checkbox"/> A copy of the International Application as filed [35 U.S.C. 371(c)(2)]<ol style="list-style-type: none">a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).b. <input type="checkbox"/> has been communicated by the International Bureau.c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).6. <input type="checkbox"/> An English language translation of the International Application as filed [35 U.S.C. 371(c)(2)].<ol style="list-style-type: none">a. <input type="checkbox"/> is attached heretob. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C. 371(c)(3)].<ol style="list-style-type: none">a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).b. <input type="checkbox"/> have been communicated by the International Bureau.c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.d. <input type="checkbox"/> have not been made and will not be made.8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 [35 U.S.C. 371(c)(3)].9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) [35 U.S.C. 371(c)(4)].10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 [35 U.S.C. 371(c)(5)].		
Items 11 to 20 below concern other document(s) or information included:		
<ol style="list-style-type: none">11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.13. <input checked="" type="checkbox"/> A preliminary amendment.14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.15. <input type="checkbox"/> A substitute specification.16. <input type="checkbox"/> A power of attorney and/or change of address letter.17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C.154(d)(4).19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C.154(d)(4).20. <input type="checkbox"/> Other items or information:		

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)	INTERNATIONAL APPLICATION NO.	ATTORNEY'S DOCKET NUMBER	
<i>43 2004 027983</i>	PCT/US2004/027983	21461P	
The following fees are submitted:			
21. <input checked="" type="checkbox"/> Basic national fee.....		\$300	CALCULATIONS
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....		\$0	PTO USE ONLY
All other situations.....		\$200	
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....		\$0	
Search fee [37 CFR 1.445(a)(2)] has been paid on the international application to the USPTO as an International Searching Authority.....		\$100	
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB		\$400	
All other situations.....		\$500	
		TOTAL OF 21, 22 and 23=	\$300.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.			
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE
48 - 100 =	0 /50	0 = 0	X \$250.00
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date [37 CFR 1.492(e)].			
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total Claims	50 - 20 =	30	X \$50.00
Independent Claims	7 - 3 =	4	X \$200.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+ \$360.00	\$360.00
TOTAL OF ABOVE CALCULATIONS (SUBTOTAL)			= \$2,960.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).			
TOTAL NATIONAL FEE			= \$2,960.00
Fee for recording the enclosed assignment [37 CFR 1.21(h)]. The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.			
TOTAL FEES ENCLOSED			= \$2,960.00
			Amount to be refunded:
			Amount to be charged:
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.			
b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>13-2755</u> in the amount of <u>\$2,960.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.			
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to the Deposit Account No. <u>13-2755</u> . A duplicate copy of this sheet is enclosed.			
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive [37 CFR 1.137(a) or (b)] must be filed and granted to restore the International Application to pending status.			
SEND ALL CORRESPONDENCE TO:			
Customer No. 000210			
MERCK & CO., INC. Patent Department, RY60-30 P.O. Box 2000 126 East Lincoln Avenue Rahway, New Jersey 07065-0970			
 SIGNATURE <u>Philippe L. Durette</u> NAME <u>Philippe L. Durette</u> DATE: <u>February 27, 2006</u> PHONE #: <u>(732) 594-4568</u> <u>35,125</u> REGISTRATION NUMBER			

Page 1A of TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING
A FILING UNDER 35 U.S.C. 371

Attorney Docket No.: 21461P

International Appln No.: PCT/US2004/027983

International Filing Date: 27 August 2004

Priority Date: 02 September 2003

Title: NOVEL CRYSTALLINE FORMS OF A PHOSPHORIC
ACID SALT OF A DIPEPTIDYL PEPTIDASE-IV
INHIBITOR

Inventors: Robert M. Wenslow, Joseph D. Armstrong, III, Alex M. Chen, Stephen Cypes, Russell R. Ferlita, Karl Hansen, Christopher M. Lindemann, Evangelia Spartalis

EXPRESS MAIL CERTIFICATE

DATE OF DEPOSIT February 27, 2006

EXPRESS MAIL NO. EL 989584866 US

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS
EXPRESS MAIL "POST OFFICE TO ADDRESSEE" ON THE ABOVE
DATE IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR
PATENTS P.O. BOX 1450, ALEXANDRIA, VIRGINIA 22313-1450.

MAILED BY

Linda Zehrer

DATE

2/27/06